## Framework

**Volition, or the structure of the will, is a pre-condition for ethics and has intrinsic value – A) Proceduralism – the will is the mechanism by which every agent engages in any activity, which means regardless of the content of any ethical theory, the ability to will that theory is an intrinsic good B) Foundations – the will is the basis for what constitutes an ethical subject which means its relation to the world is the primary ethical consideration C) Motivation – the structure of the will is the primary source of all our desires, reasons, and beliefs since it generates what counts as motivational to the subject D) Identity – the nature of the will is most constitutive to the creation of the subject since it determines what each subject considers intrinsic to its identity and what exists externally as an façade.**

**However, ethical theories to evaluate the will face a dilemma – they are either paternally objectivist to the extent they restrict the will, or they are weakened by subjectivism to the extent that it’s impossible to make true moral claims. The only solution is a concept of alienation that understands the will in a functional capacity to relate to itself and the world – a criterion that is concerned with how one wills, rather than what one wills. Understanding the functionality of the will is impossible in a vacuum. This culminates in the act of appropriation – the ability to view yourself as a practical agent capable of taking up a project that actively changes your own subject and the role itself.**

**Thus, the standard is consistency with non-alienated relations. Only this coheres the nature of who you are and prevents psychological violence.**

**There are four types of alienating relations: A) Objectification – treating an agent with normative potential as a passive object B) Standardization – Enforcing one particular way to engage in a role such that the subject has no interpretive leeway C) Fixation – preventing the acquisition of new experiences within a particular role rather than fostering the development of an agent and D) Over-identification – allowing the portrayal of a particular role to over-identify you as merely that**

**Prefer additionally –**

**[1] Action theory – only viewing an agent as an active body capable of generating intentions can hold agents culpable and decipher the difference between actions and wishes.**

**[2] Performativity – Every exercise you engage in is an instance of using your volition to establish some relation to the world and only non-alienation can establish that relationship as normatively legitimate.**

**[3] Solves oppression – A) Universality – The structure of the will is a basis for justifying why all agents are normatively equivalent which undermines the ideology underlying all forms of violence B) Empowerment – it ensures agents view themselves as active which motivates agents to combat systems of oppression rather than viewing themselves as passive objects C) Explanatory power –oppression operates through the alienation of oneself from the world through various categories of relations D) Movement building – it’s normativity can explain why oppression is wrong and convince others to agree through rigorous explanation that impact justified frameworks can’t provide.**

## Contention 1: Alienating Politics

**I defend a just government ought to recognize worker’s right to strike.**

#### 1] Right to strike is necessary to not be alienated – multiple warrants

#### Brian Kohler, “The fifth day of the COP25 conference” , February 16, 2015, [http://www.industriall-union.org/5-reasons-why-we-need-the-right-to-strike] // swickle

16 February, 2015 The fundamental right to strike is under attack from employers and governments at the International Labour Organization (ILO), which sets global standards on labour rights. Eliminating this human right would have serious repercussions on us all. Here are five key reasons why we need the right to strike: Striking is a last resort but sometimes the only tool for workers to protect themselves. To avoid being at the complete mercy of employers. To give more of a balance between worker and employer power. Without it, more and more governments will ban industrial action and punish people who dare to strike. Most strikes are over pay and better working conditions. Without the threat of strike action, corporations will be able to make bigger profits, while working conditions will get worse. Making a stand On 18 February, ahead of a key ILO meeting on the right to strike from 23-25 February, unions and workers around the world will be protesting to safeguard this fundamental right. Employers’ groups and certain governments are challenging the long-accepted belief that ILO Convention 87 on Freedom of Association, which is ratified by 153 countries, up-holds the right to strike.

**2] The right to strike increases mutual recognition**

Richard D. **Kahlenberg**, January 6, **2016**, “How Defunding Public Sector Unions Will Diminish Our Democracy” [tcf.org/content/report/how-defunding-public-sector-unions-will-diminish-our-democracy/?session=1.] // swickle

Strong unions helped build the middle class in America after the Great Depression, and continue to have a positive effect on ameliorating extreme inequalities of wealth. By bargaining for fair wages and benefits, unions in the public and private sector help foster broadly shared prosperity. Research finds, for example, that unions compress wage differences between management and labor. According to one study, “controlling for variation in human resource practices, unionized establishments have an average of 23.2 percentage point lower management-to-worker pay ratio relative to non-union workplaces.”26 By the same token, as the Center for American Progress’s David Madland has vividly illustrated, the decline in union density in the United States between 1969 and 2009 has been accompanied by a strikingly similar decline in the share of income going to the middle class (the middle three-fifths of the income distribution; see Figure 1). &nbsp;The middle class is hollowing out: in 1971, 61 percent of Americans were middle class, but a December 2015 Pew Research Center report found that a slight majority of Americans now live in low- or upper-income households.27 Although there are many reasons for middle-class wage stagnation—including globalization and the rise in technology—Lawrence Mishel of the Economic Policy Institute finds that the decline in union bargaining power is “the single largest factor suppressing wage growth for middle-wage workers over the last few decades.” The International Monetary Fund, likewise, has linked decline in unions worldwide with rises in income inequality.28 Figure 1. chartDOWNLOAD International studies also connect the relatively low levels of U.S. union density (when compared with other nations) and the higher level of economic inequality found in the United States. According to a 2011 analysis by the Center for Economic and Policy Research looking at twenty-one wealthy nations, nine countries had more than 80 percent of their workers covered by collective bargaining agreements; nine had between 30 and 80 percent covered; and just three—the United States, Japan, and New Zealand—had coverage rates below 20 percent. Using data from the Central Intelligence Agency’s World Factbook on levels of income inequality, my colleague Moshe Marvit and I demonstrate in Why Labor Organizing Should Be a Civil Right that the three nations with the lowest collective bargaining coverage also were among the four countries with the highest degrees of income inequality, as measured by the Gini coefficient.29 Defunding public sector unions will only accelerate the extreme economic inequality that threatens our political democracy. Unions Are Needed to Serve as Schools for Democracy Civic organizations that are run democratically can be an important mechanism for acculturating citizens to the inner workings of democracy. Unions are among the most important of these organizations, bringing together rank and file workers from a variety of ethnic, racial, and religious backgrounds, and serving as what Harvard sociologist Robert Putnam calls “schools for democracy.” Union members learn skills that are essential to a well-functioning democracy: how to run meetings, debate one another, and organize for political action.30 Labor unions can also help create a culture of participation among workers. Being involved in workplace decisions and the give and take of collective bargaining, voting on union contracts, and voting for union leadership have all been called important drivers of “democratic acculturation.”

#### 3] The aff rectifies conditions of alienation – A) Standardization – voting neg is standardization because the aff provides the option to participate if they will to do so whereas the neg prevents individuals without access in the squo from engaging in a job B) Fixation – absent a right to strike, we can never foster the development of an agent or company in the workplace C) Over-identification – absent a right to strike we are overidentified in the workplace with no leverage to push for individualized approaches to labor subjectivity. D) The unconditional right to

## Contention 2: Sexual Assault Strikes

#### Sexual harassment in the workplace has existed for decades with a growing fear of speaking out.

The Hans India 14 – The Hans India November 11, 2014 **“47% of Indian women find sexual harassment at the workplace a big issue” [**https://www.thehansindia.com/posts/index/Hans/2014-11-11/47-of-Indian-women-find-sexual-harassment-at-the-workplace-a-big-issue/115699?infinitescroll=1**]** AHS//JW Accessed 10/25/21

For Indian women, sexual harassment is nothing new. Every day they come across stories, or I dare say witness stories of women (including themselves) being stalked, eye raped, or going through verbal and physical attacks. According to one of the recent surveys conducted by Nimbuzz, a cross-platform mobile calling & messaging app, Indian women don't feel safe at their workplace. The survey, titled Nimbuzz - Pulse of the Nation, reveals that "47 per cent of women feel their top issue at work is sexual harassment vis-a-vis inequality in pay and unequal opportunities." Not just women, even men feel that sexual harassment is one of the common problems for working women. "51 per cent of male colleagues feel that their female colleagues have faced sexual harassment in one way or the other," cites the Nimbuzz - Pulse of the Nation report. It could begin with looks, lewd remarks, intentional touching and end up into anything—right from open invitation to have sex to rape, depending on the person involved. Interestingly, the executive stalkers (including others), are now using innovative way to hit on their female colleagues—like forwarding flirtatious texts through WhatsApp, BBM among others. Using social media platforms such as Facebook to stalk female colleagues is also very common. However, Rinku Tyagi, a senior executive with one of the leading IT consulting firms, feels otherwise. She says, "Social media platforms have just come up, while sexual harassment has been a prevailing practice for decades. Yes, texts and social media platforms are being used, but verbal remarks and physical advances still take the cake when it comes to sexual harassment." We couldn't agree less despite seeing the stats put forth by Nimbuzz - Pulse of the Nation report, which reveals that "58 per cent of women claim that most of the cases happen via sms/text." "You can't blame women for not coming out or speaking up," protests Pragnya Pandey, a marketing communications specialist, working with one of the leading Indian IT firms. She further puts across her point, "Though personally I have never faced sexual harassment, but in my over 9 years of experience, I have heard about many cases and personally observed two. In both the cases, the complaints were lodged to higher organizational authorities, but sadly action against the perpetrator was taken. Now, considering that grievances address system of organizations is not strong enough, how do you expect ladies to come out and voice their concerns?" Prangya probably hit the nail on the head. 41 per cent of women, who participated in the Nimbuzz survey, admitted that they fear speaking up against sexual harassment because of lack of confidence in the organization to take cognizance. Rinku Tyagi, also feels that lack of confidence in the organization is the first thing that stop women from putting forth their problems. She further added two more reasons to what stops women from talking about this issue openly. "The strong social taboo of sexual harassment often overwhelms women's thoughts. And then there is the peer pressure that they won't get their due promotions or appraisals if they would raise their voice in the so-far-male dominated hierarchical organizations." Now, this is a major point of concern when you consider that almost 62 per cent of people feel that sexual harassment happens by peers. So, does this mean there is no way out? There sure is. Women only need to start raising their voices, and utilizing the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, for their benefit. And the role that organizations can play involves: setting up an effective grievance system, and educate women employees about legal actions that they can take against the culprit. A case of sexual harassment has been registered against the Eluru Sub-Registrar in West Godavari District. Going into the details, a woman working as an attendant in the audit section of the registrar's office, approached the Disha police alleging that a man named Jayaraju has been sexually harassing her for the past few days. The woman employee said that she had complained to the district registrar about Jayaraju's harassment while the higher authorities reprimanded him and left the issue. However, the harassment of the registrar had not stopped instead it was intensified. Meanwhile, the victim claimed that the registrar had threatened to kill her if she doesn't compromise his demands. The case is being registered and investigated by the Disha police. On the other hand, the accused working as Sub Registrar in Audit Section was also booked by Anti Corruption Bureau in Jangareddygudam three years ago.

#### **Labor strikes hold sexual assault offenders accountable.**

Emdon 19 – Erica Emdon July 4, 2019 “Numsa strike against sexual harassment is a ‘powerful moment in labour history’” [https://mg.co.za/article/2019-07-04-numsa-strike-against-sexual-harassment-is-a-powerful-moment-in-labour-history/] AHS//JW Accessed 10/26/21

What does it require to get management to take a sexual harassment complaint seriously? If the recent National Union of Metal Workers of South Africa (Numsa) strike is anything to go by, it takes about 290 striking workers remaining underground without food and clean water for nine days. From June 19 to 27, an underground strike was staged at the Lanxess chrome mine near Rustenburg in North West, during which workers demanded that management immediately suspend and discipline an alleged perpetrator of sexual harassment. It took nine days for an agreement to be reached and for union members to return to work. This is a most extraordinary show of strength, and a moment of exceptional unity, by workers in support of a comrade who experienced sexual harassment. The workers, both men and women, were demanding that a longstanding sexual harassment matter be dealt with by the mine management. The matter had been reported in August 2018, but had not been resolved by June this year. The complainant, an underground mine worker, was subjected to sexual harassment by a manager, a mine captain with whom she worked. The woman lodged a grievance, but management, through an HR manager and two other senior employees, put pressure on her to withdraw the case. It appeared to complainant and the union that the HR manager and his two colleagues were colluding with the alleged perpetrator. To add to the pressure the woman was under to not continue with the grievance, the union alleges that she was forced to sit in the same room with the alleged harasser and encouraged to resolve the issue through dialogue. The union complained about the HR manager’s behaviour and his apparent support for the perpetrator. Only after this was the mine captain suspended. However, his suspension was short-lived and he was reinstated without the woman being notified as to why his suspension was withdrawn. She was forced to continue working with him as though nothing had happened. The strike that ensued as a result of the company’s stance was brutal and violent. As national Numsa spokesperson Phakamile Hlubi put it: “It was an extremely difficult time for our members. They slept on the cold hard floor, without blankets … in the middle of winter. They inhaled chrome and, to make matters worse, they were at times denied water by mine management. There were several occasions when mine management refused to allow food to be sent down to workers. Their attitude was that if workers are uncomfortable they must end the strike and then they will receive food. On one of the days of the strike, (June 21), mine management turned off the electricity supply to the mine. This cut off the water and ventilation for workers who were underground. During the course of the strike at least 12 workers were hospitalised for various ailments, most [of them due to] dehydration and hunger; others because they were denied access to chronic medication.” When one considers some of the hard-won advances that have been made in the workplace to prevent and deal with the scourge of sexual harassment, it is astounding that this type of protest was required to enforce a woman worker’s right to safety and dignity. In 2002 the South African Mining Charter introduced quotas requiring mining companies to employ a 10% female staff component. By 2018 this quota had been exceeded in the industry, with the Minerals Council South Africa Facts and Figures 2018 Pocketbook reporting that 15% of employees in the mining sector were women. Asanda Benya, who has undertaken a study on women workers in the Rustenburg mines, indicates that women working in the mines remain predominantly in the lower-paying ranks, with many working underground. Underground female miners are generally managed by male mine captains and shift bosses, which has been identified as a fraught power situation that renders them particularly vulnerable. Power dynamics in the employment context have been recognised by the courts as a critical element of sexual harassment. As the court held in Campbell Scientific Africa vs Simmers and Others, a 2016 case heard in the labour appeal court: “At its core, sexual harassment is concerned with the exercise of power and in the main reflects the power relations that exist both in society generally and specifically within a particular workplace.” Benya reports that even travelling down the cage to reach the underground areas poses risks for female miners. Women she interviewed complained of experiencing inappropriate groping, touching and fondling as they stood packed in with their male colleagues. This particular complainant’s case was not isolated. Last week The Daily Sun quoted Numsa regional secretary Jerry Morulane as saying that management was refusing to address broader, rampant sexual harassment on the mine and that shift bosses and mine captains in particular took advantage of women. In the context of a Constitution that is founded on values of human dignity and the Employment Equity Act, which recognises that harassment of an employee is a form of unfair discrimination, it is astounding that workers had to go to these lengths to be heard. The act places a duty on employers to eliminate unfair discrimination in the work environment. And the Amended Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, issued by the minister of labour in 2005 in terms of the Employment Equity Act, takes this even further. The code places an obligation on employers to create a safe environment for female workers, as well as ensure that the workplace respects the dignity of employees and that complainants of sexual harassment will not feel that their grievances are ignored or trivialised or fear reprisals. It states that policies should be in place, employees should know about them, and that these policies should spell out that there are consequences for alleged perpetrators, which can include disciplinary action and dismissal. Employers must clarify procedures for reporting sexual harassment and must take action to eliminate it once a report has been made. In SA Metal Group (Pty) Ltd vs Commissioner, a 2014 case heard in the labour court, the court held that the code has to be used and applied. In PE vs Ikwezi Municipality and another, a 2016 case, the court goes further and says that employers should provide training on the code to their employees. A 2006 case, Piliso vs Old Mutual, draws attention to the situation an employer may find itself in should it fail to take steps to eliminate the alleged conduct. Once a complaint has been brought to an employer’s attention, the employer must take action. “It is accepted and trite that an employer has duty to take reasonable care for the safety of its employees and to provide its employees with a safe working environment.” Management frequently demonstrates a remarkable level of ignorance about how to deal with complaints of sexual harassment in the workplace. A complainant-centred policy on sexual harassment should by now be integrated into all workplaces. This would enable complaints to be made to specifically designated people who are not part of management and would set out procedures regarding how the complaint should be handled. Leaving it up to HR managers to deal with complaints can prove to be problematic, as the possibility exists that they may collude with alleged perpetrators who are their management colleagues. Furthermore, pressuring complainants to sit in the same room as the perpetrators to try to “sort things out” is demeaning and prejudicial to the complainant and undermines their agency entirely. The choice as to whether this is something they wish to do should be left to the complainant. If the complainant decides against doing so, policies should clearly set out other available options. In the case of the alleged sexual harassment at Lanxess mine, management reached a settlement with the union after a harrowing nine-day strike. Management agreed that the alleged perpetrator would be placed on special leave, pending the finalisation of an investigation into the allegations. It also consented to conduct an enquiry into three managers who had allegedly failed to deal properly with the allegations of sexual harassment to determine if they should be disciplined. Finally, it was agreed that all the investigations would be conducted by an outside team to ensure that managers would not interfere. As Hlubi says: “It was a powerful moment in labour history where men and women united and risked their lives to fight against gender-based violence. They were willing to endure unbearable conditions underground, and exposed themselves to extreme discomfort and suffering, in order to make the point that they would not tolerate the abuse and bullying of workers. They want genuine change and they were willing to risk their lives for it. As Numsa, we are immensely proud of them for having been so brave and courageous.”